THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:20-cv-00182-MR-WCM

JENNIFER LONGO,	
Plaintiff,)	
vs.)	ORDER
ELIZABETH ASPINWALL, individually and in her official capacity as an employee of Western Carolina University, and WESTERN CAROLINA UNIVERSITY,)	
Defendants.)	

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 5] and the Magistrate Judge's Memorandum and Recommendation [Doc. 12] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' motion and to submit a recommendation for its disposition.

On December 8, 2020, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a

recommendation regarding the Defendants' motion. [Doc. 12]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss should be denied without prejudice.¹

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 12] is ACCEPTED, and the Defendants' Motion to Dismiss [Doc. 5] is DENIED WITHOUT PREJUDICE.

Signed: December 29, 2020

IT IS SO ORDERED.

Martin Reidinger

Chief United States District Judge

¹ The Magistrate Judge also recommended that the Plaintiff be directed to file an Amended Complaint. Subsequent to the entry of the Memorandum and Recommendation, the Plaintiff filed an Amended Complaint. [Doc. 13]. Accordingly, that portion of the Magistrate Judge's recommendation is now moot.